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Attorney for Defendant  
MICHAEL STEVENS

**IN THE UNITED STATES OF DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,  
v.

MICHAEL STEVENS,

Defendant.

Case No.: 2:04-CR-00289 WBS

**NOTICE OF MOTION AND  
MOTION TO SEAL AND  
[PROPOSED] ORDER**

The defendant, MICHAEL STEVENS, by and through his undersigned counsel, moves the Court for an order to seal the Exhibit A - Medical Document for Defendant Stevens from Sacramento Sheriff's Department Correctional Health Services submitted to this court, to probation, and to the government via e-mail on May 31, 2016. For reasons essential to preserving Mr. Stevens's privacy, he respectfully requests that this document be filed under seal.

The Court possesses inherent authority to exercise its discretion to seal documents and set appropriate limits upon access and files. Local rule 141(a); *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978); *Hagestad v. Tragger*, 49 F.3d 1434 (9<sup>th</sup> Cir. 1995). In determining whether to seal documents, the Court should consider the interests advanced by the parties in light of the public interest and the duty of the courts. *Nixon*, 435 U.S. at 602; *Hagestad*, 49 F.3d at 1434.

1 In the present case, the defendant's exhibit contains personal information about his health  
2 and personal identifying information about himself. Accordingly, the defendant requests that  
3 this documents be filed under seal.

4  
5 DATED: May 31, 2016


Respectfully submitted,

6 /S/ David D. Fischer  
7 DAVID D. FISCHER  
8 Attorney for Defendant  
9 MICHAEL STEVENS  
10

11 **ORDER**

12 The foregoing request to seal is DENIED. Simply because a document, upon which defendant  
13 asks the court to rely in granting his request to overturn the magistrate judge's decision to detain  
14 him, contains information about his medical condition, which he asks the court to consider in  
15 making its determination, does not require the document to be sealed. Defendant himself, in his  
16 motion for review of the detention order (Docket No. 139), which he has not asked to be sealed,  
17 states that he "suffers from Parkinson's disease, among other ailments. . . . Mr. Stevens has  
18 tremors and suffers from muscle pain. His special needs at the jail include the need for a lower  
19 bunk and to be housed on the lower tier. His poor physical condition shows that he is not a  
20 danger to the community." Thus, the medical circumstances which defendant seeks by his  
21 request to conceal from public view are already in substance a part of the public record he has  
22 created by his request.

23  
24 Dated: June 2, 2016

25   
26 WILLIAM B. SHUBB  
27 UNITED STATES DISTRICT JUDGE  
28